UNITED
NATIONS

E

Economic and Social
Council

Distr.
LIMITED

E/CN.4/Sub.2/1997/L.10/Add.9
26 August 1997

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 13 (c)

CONCLUDING ITEMS

ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

CONTENTS*

Chapter		Paragraphs	Page
IX.	HUMAN RIGHTS OF INDIGENOUS PEOPLES:		
	(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND		

* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

GE.97-13852 (E)

IX. HUMAN RIGHTS OF INDIGENOUS PEOPLES:

(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND

1. The Sub-Commission considered item 7 at its 7th, 16th, 17th, 18th and 27th meetings on 8, 15, 18 and 22 August 1997.

2. For the list of documents issued under item 7, see annex ... to the present report.

3. At its 7th meeting, in commemoration of the International Day of the World's Indigenous People, a message was read on behalf of the Secretary-General. Statements were made by the Chairman of the Sub-Commission, and by Mr. Alfonso Martínez and Ms. Daes.

4. In this connection, the Sub-Commission invited the following indigenous people to make a statement: Mr. Sebastiao Manchinery, member of the Manchineri people of Brazil, and Mr. Kalimba Zephyris, a Matwa of Rwanda.

5. At its 16th meeting, on 15 August 1997, the Chairperson-Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene Daes, introduced the report of the Working Group on its fifteenth session (E/CN.4/Sub.2/1997/14). At the same meeting, Ms. Daes, the Special Rapporteur on indigenous people and their relationship to land, presented her preliminary working paper (E/CN.4/Sub.2/1997/17 and Corr.1).

6. At its 18th meeting, on 18 August 1997, Ms. Daes, the Chairperson-Rapporteur of the technical meeting on the protection of the heritage of indigenous people, introduced the report of the meeting (E/CN.4/Sub.2/1997/15).

7. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (17th), Mr. Ali Khan (16th, 18th), Ms. Daes (18th), Mr. Eide (18th), Mr. Fan Guoxiang (16th), Mr. Guissé (16th), Mr. Maxim (16th), Ms. Mbonu (16th), Ms. Warzazi (16th), Mr. Weissbrodt (18th).

8. The Sub-Commission heard statements by representatives of the following non-governmental organizations: American Association of Jurists (16th), Franciscans International (16th), Indigenous World Association (16th), International Educational Development, Inc. (16th), International Institute for Peace (17th), International League for the Rights and Liberation of Peoples (17th), International Movement against All Forms of Discrimination and Racism (17th), International Organization for the Development of Freedom of

Education (16th), International Peace Bureau (16th), Movement against Racism and for Friendship among Peoples (16th), North South XXI (16th), Pax Christi International (17th), Pax Romana (17th), Saami Council (16th), Transnational Radical Party (17th), Women's International League for Peace and Freedom (16th), World Federation for Mental Health (17th).

9. Statements were also made by the observers for: Mexico (17th), Peru (17th), Philippines (17th).

10. A statement equivalent to a right of reply was made by the observer for Ecuador (17th).

Study on treaties, agreements and other constructive agreements between States and indigenous populations

11. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft decision E/CN.4/Sub.2/1997/L.27, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Ms. Daes, Mr. Guissé and Mr. Hatano.

12. A statement in connection with the draft decision was made by Ms. Daes.

13. The draft decision was adopted without a vote. For the text of the decision see chapter II, section B, decision 1997/...

Permanent forum in the United Nations for indigenous peoples

14. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.29, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Alfonso Martínez, Ms. Palley and Mr. Weissbrodt subsequently joined the sponsors.

15. Ms. Daes orally revised the draft resolution by replacing with a new operative paragraph operative paragraph 3, which read as follows:

Decides to recommend to the Commission on Human Rights the following draft decision for adoption:

> "The Commission on Human Rights, taking note of resolution 1997/... of .. August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to submit the question of the establishment of a permanent forum in the United Nations for indigenous peoples to the Economic and Social Council for its consideration."

16. Mr. Yokota orally amended operative paragraph 1 of the revised draft resolution by inserting after the words "permanent forum" the words "within the United Nations system" and, by inserting after the words "be established" the words "as soon as possible".

17. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Bossuyt, Ms. Daes, Mr. Guissé, Mr. Lindgren Alves and Ms. Palley.

18. The draft resolution, as amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/10.

International Decade of the World's Indigenous People

19. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.30, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Weissbrodt subsequently joined the sponsors.

20. Ms. Daes proposed, in writing, to revise the draft resolution as follows:

(a) Insert two new preambular paragraphs after the second preambular paragraph,

(b) Add two new operative paragraphs (paragraphs 9 and 10 of the resolution as adopted).

21. Mr. Yokota orally proposed to amend the draft resolution by deleting operative paragraph 7, which read: "Recommends that the permanent forum for indigenous peoples within the United Nations system be established as soon as possible in the course of the Decade". The proposed amendment was accepted by the sponsors.

22. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/15.

Study on indigenous land rights

23. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.31, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Alfonso Martínez, Mr. Eide, Ms. Palley, Mr. Weissbrodt and Mr. Yimer subsequently joined the sponsors.

24. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/12.

Protection of the heritage of indigenous people

25. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.34, sponsored by Ms. Attah,

Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Alfonso Martínez and Mr. Diaz Uribe subsequently joined the sponsors.

26. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/13.

Working Group on Indigenous Populations

27. At its 27th meeting, on 22 August 1997, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1997/L.35, sponsored by Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé, Ms. Gwanmesia and Mr. Hatano. Mr. Alfonso Martínez, Mr. Eide, Mr. Weissbrodt and Mr. Yimer subsequently joined the sponsors.

28. The draft resolution was adopted without a vote. For the text of the resolution see chapter II, section A, resolution 1997/14.

- - - - -